

CPS Gloucestershire

Overall Performance Assessment

December 2005

Promoting Improvement in Criminal Justice

CONTENTS

	PAGE
A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS	2
B. AREA DESCRIPTION AND CASELOAD	3
C. SUMMARY OF JUDGMENTS	4
D. DEFINING ASPECTS	7
1. Pre-charge decision-making	7
2. Managing magistrates' courts cases	9
3. Managing Crown Court cases	11
4. Ensuring successful outcomes	13
5. Handling sensitive cases and hate crimes	15
6. Custody time limits	16
7. Disclosure	17
8. The service to victims and witnesses	18
9. Presenting and progressing cases at court	20
10. Delivering change	22
11. Managing resources	24
12. Managing performance to improve	26
13. Leadership	29
14. Securing community confidence	31
ANNEX A PERFORMANCE DATA	32

A. INTRODUCTION TO THE OVERALL PERFORMANCE ASSESSMENT PROCESS

This report is the outcome of Her Majesty's Crown Prosecution Service Inspectorate's (HMCP*SI*) overall assessment of the performance of the Crown Prosecution Service (CPS) in Gloucestershire and represents a baseline against which improvement will be monitored.

Assessments and judgments have been made by HMCP*SI* based on absolute and comparative assessments of performance. These came from national data; CPS self-assessment; HMCP*SI* assessments; and by assessment under the criteria and indicators of good performance set out in the Overall Performance Assessment (OPA) Framework, which is available to all Areas.

The OPA has been arrived at by rating the Area's performance within each category as either 'Excellent' (level 4), 'Good' (level 3), 'Fair' (level 2) or 'Poor' (level 1) in accordance with the criteria outlined in the Framework.

The Inspectorate uses a rule-driven deterministic model for assessment, which is designed to give pre-eminence to the ratings for 'critical' aspects of work as drivers for the final overall performance level. Assessments for the critical aspects are overlaid by ratings in relation to the other defining aspects, in order to arrive at the OPA.

The tables at page 6 show the Area performance in each category.

An OPA is not a full inspection and differs from traditional inspection activity. While it is designed to set out comprehensively the positive aspects of performance and those requiring improvement, it intentionally avoids being a detailed analysis of the processes underpinning performance. That sort of detailed examination will, when necessary, be part of the tailored programme of inspection activity.

B. AREA DESCRIPTION AND CASELOAD

CPS Gloucestershire serves the area covered by the Gloucestershire Constabulary. It has one office, at Gloucester, and the Area Headquarters (Secretariat) is based there.

Area business is divided on functional lines between magistrates' courts cases, handled by the Criminal Justice Unit (CJU) and Crown Court work, dealt with by the Trials Unit (TU).

During the year 2004-05, the average Area number of staff in post was 50.4 full-time equivalents.

Details of the Area's caseload in the year to March 2005 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	3,579	26.8	20.9
Advice	675	5.1	5.1
Summary offences	5,042	37.8	46.9
Either way and indictable only	4,007	30	26.7
Other proceedings	36	0.3	0.4
TOTAL	13,339	100%	100%

C. SUMMARY OF JUDGMENTS

CPS Gloucestershire was the subject of inspection by HMCPsi in September 2003 at the same time as a joint inspection undertaken by HMCPsi and HM Inspectorates of Constabulary, Magistrates' Courts Service, Prisons and Probation. Those inspections highlighted particular concerns. The standard of casework in the Area was generally sound but performance was not underpinned by a sufficiently robust management structure. This was manifesting itself in a degree of frustration, discontent and some negativity among Area staff. Relationships with other agencies were cordial but cohesion between the agencies was not strong. This was not all the fault of the CPS but, as a consequence staff morale, and staff perception of the Area as an effective agency, was low.

A follow up inspection visit was made by HMCPsi to CPS Gloucestershire in December 2004. At that time, inspectors noted an improved performance culture across most aspects of casework to the extent that the Area was making a contribution to driving up performance in the other criminal justice agencies. The Area Management Team was becoming more cohesive and performance management more sharply focussed. The progress that was noted then has continued, although the Area still has a challenging time ahead and managers acknowledge that there is room for improvement in many aspects of performance.

The Area is progressing with the police towards statutory charging but has not yet fully realised the benefits in terms of a reduced number of discontinuances and an increase in the rate of guilty pleas. Action is being taken to improve the timeliness and quality of police files and to ensure that cases progress quickly, although Compass Case Management System could be used more effectively in managing cases. The quality of decision-making remains sound overall and unsuccessful outcomes, including cracked and ineffective trials, are analysed and discussed. Performance in respect of disclosure is good but prosecutors need to be more robust with the police when dealing with secondary or continuing disclosure following the receipt of a defence statement. Sensitive cases are generally dealt by prosecutors with the appropriate experience.

Co-operation with the police and witness support agencies is helping to ensure that witness needs are identified early and appropriate support can be provided. The recently established joint Witness Care Unit is showing encouraging signs of improving the service to witnesses. Witness problems at court, however, are still a significant factor in cracked and ineffective trials and more needs to be done in this respect.

The Area has adopted a more dynamic approach to management internally and is increasing the value of its contribution to the wider Criminal Justice System (CJS) by working more effectively with its partners on a number of important initiatives to bring about change and deliver some more positive outcomes. Area managers have a clear vision of what they want to achieve and how they are going to do it. There is a greater

emphasis on management of performance but the degree of analysis of some data requires attention. The management of financial resources and deployment of staff are of particular concern. The Area overspent on budget in 2004-05 and Higher Court Advocates and designated caseworkers could be deployed more effectively.

The Area has made considerable progress in the last twelve months and senior managers rightly take some satisfaction in their achievements. Staff at various levels are more involved in activities designed to boost community confidence in the CPS and CJS and a more positive relationship has been established with the local media. Morale has improved to the extent that staff now consider CPS Gloucestershire to be a major influence within the local CJS. Better leadership has already brought about a more positive culture within the Area but full change will not occur overnight. Managers and staff will need patience as well as determination as there is still much to do.

In the light of these findings the overall performance assessment of CPS Gloucestershire is **FAIR**.

CRITICAL ASPECTS	Level 2 - FAIR
Pre-charge decision-making	2 - Fair
Ensuring successful outcomes	2 - Fair
Leadership	2 - Fair
The service to victims and witnesses	3 - Good
Managing resources	1 - Poor
OTHER DEFINING ASPECTS	
Managing magistrates' courts cases	3 - Good
Managing Crown Court cases	3 - Good
Handling sensitive cases and hate crimes	2 - Fair
Custody time limits	2 - Fair
Disclosure	3 - Good
Presenting and progressing cases at court	3 - Good
Delivering change	2 - Fair
Managing performance to improve	2 - Fair
Securing community confidence	3 - Good

OVERALL ASSESSMENT	2 - FAIR
---------------------------	-----------------

D. DEFINING ASPECTS

1. PRE-CHARGE DECISION-MAKING

2 - FAIR

The Area is working with the police to implement statutory charging and is currently on target to implement the scheme in October 2005. Coverage is provided at all charging centres. There have been some problems with the recording of pre-charge decisions (PCDs) and an Area system for ensuring that advice given is followed would provide greater confidence in the scheme. Benefits in terms of reduced discontinuances and increased guilty pleas have not yet been fully realised.

1A: The Area ensures that procedures for pre-charge decision-making operate effectively at Area charging centres

- The Area provides pre-charge advice and decisions at all relevant charging centres. In addition a duty prosecutor is also available each day in the CPS office to cover unforeseen absences and provide telephone advice when charging centres are busy. Lunchtime arrangements ensure that a duty prosecutor is always available for consultation. Problems with coverage at Stroud which had led to some defendants being charged without reference to a duty prosecutor are being addressed.

Aspects for improvement

- Lack of police unique reference numbers hampers the recording and counting of some PCD cases. The use of Compass Case Management System (CMS) for immediate recording of advice does not occur in all cases, although Area systems aim to ensure that administrative staff enter the decision on CMS within 24 hours.
- There is currently no Area system for ensuring that police officers charge defendants following a duty prosecutor's decision. The Area relies on the close supervision by police supervisors and custody officers to ensure that pre-charge decisions are actioned.

1B: The Area ensures that all charges advised on are in accordance with the Director's guidance, the Code, charging standards and policy guidelines, and are accurately documented and recorded

- Area lawyers are generally of sufficient experience and expertise to deal with PCD cases. All have been trained in the Director's Guidance and understand the local and national scheme. Currently, duty prosecutors are scheduled for a three month period and receive training or refresher training as appropriate before they commence.

- The Area monitors the timeliness, quality and appropriateness of advice decisions. Ten files are monitored each month by the Trials Unit head in accordance with the CPS Casework Quality Assurance Scheme (CQA). Cases which are subsequently discontinued are monitored to see if any lessons can be learned. Discontinued cases which were not referred for a pre-charge decision are also monitored to consider if they would have benefited from referral to a duty prosecutor.

1C: The Area is able to demonstrate the benefits of its involvement in pre-charge decision-making

- Migration to the statutory scheme is being implemented in accordance with the schedule with most of the deadlines being met within the relevant period. The Joint Charging Steering Group meets regularly to monitor progress towards implementation.
- There is regular liaison with the police on the implementation and operation of the scheme. Although, there is no structured monitoring of police compliance with the scheme, any identified breaches are referred to the police charging project manager and investigated.

Aspects for improvement

- There is currently only limited realisation of benefits and the Area has not yet seen some of the anticipated improvements in performance. Although, encouragingly, magistrates' courts and Crown Court discontinuance rates are below the national averages (14% against 16.3% and 13.5% against 14.6% respectively), they are both above the national target of 11%. The magistrates' court guilty plea rate is high for the year overall but recent months have seen a steady decline in performance. The Crown Court guilty plea rate has also seen an overall reduction. The magistrates' courts attrition rate at 21.2% is below both the national average of 22.7% and target of 31%. The Crown Court attrition rate has given rise to greater concern - 40.5% against a national average 23.8% and target of 23% for the quarter ending 31 March 2005, although previous months and April 2005 have shown an average of below 20%.
- There is no formal system for monitoring cases which result in no further action (NFA) other than those which might be captured as part of CQA monitoring and this could be used more positively as a means of improving performance. The police are about to give responsibility for analysing NFAs to the police charging champion at each charging centre.

2. MANAGING MAGISTRATES' COURTS CASES**3 - GOOD**

The Area is making efforts to improve the quality of case files and is working with its criminal justice system partners to ensure that cases progress quickly. Although the target for cracked and ineffective trials has not been met, cases are analysed and action taken to improve. Compass Case Management System (CMS) could be used more effectively in managing cases.

2A: The Area ensures that cases progress at each court appearance

- There is evidence that magistrates' courts cases are reviewed, although not all reviews are fully evidenced on CMS. Cases are prepared promptly, with follow-up work undertaken where necessary, and most cases are ready to proceed at each court hearing. The Area continues to monitor the timeliness and quality of case files submitted by the police and works with the Police to improve performance by notifying the police of any deficiencies at the earliest opportunity. The input of duty prosecutors in respect of pre-charge decisions has not fully provided the expected benefits in this respect.
- There is regular liaison with criminal justice partners, and case progression meetings, and performance has improved as a result. The CPS is taking a leading role in Gloucestershire's Trial Management Programme which has put an emphasis on case progression in magistrates' court trials to ensure that trials proceed on the fixed date and that any likely changes of plea are identified at the earliest opportunity. There are early indications of success in this respect. Another initiative is aimed at reducing overall processing periods in domestic violence cases.
- The Area is about to establish CPS administrative staff at the main magistrates' court centres in rooms equipped with IT access to deal immediately with requests for casework information and enable actions following adjournments to be undertaken more quickly.
- The timeliness of all youth cases is improving. The persistent youth offender (PYO) target of 71 days from arrest to disposal is consistently being met. The Area time of 54 days is better than the national performance of 67 days.

2B: The Area contributes effectively to reducing cracked and ineffective trials

Aspects for improvement

- The magistrates' court cracked trial rate is relatively high at 36.9% but is similar to the national average of 37.1%. The ineffective trial rate at 23.6% was above the Area target of 20% although better than the national average of 24.8%. A high proportion of cracked and ineffective trials are not due to the prosecution, but the Area is focussing on this aspect. Cracked trials are analysed and the reasons discussed in a number of internal and joint forums. Trends are identified and remedial action is taken where appropriate. There have been some recent improvements in performance.

2C: The Area demonstrates that CMS contributes to the effective management of cases

- National performance data shows a high usage of CMS in the Area compared with usage nationally. The use of CMS for full file reviews has increased gradually over the year from 32.1% to 63.6%. The Area has begun to create its own specific CMS and management information reports or Area templates and is gradually building upon this as staff are trained and become more experienced.

Aspects for improvement

- Although CMS is being used to manage cases, the approach to usage is haphazard and not all staff are recording key events in cases. Senior managers monitor usage, but action taken to improve usage could be more robust and there are backlogs in updating some tasks. Although there is some monitoring of outstanding tasks and action to clear them, this is having little effect.

3. MANAGING CROWN COURT CASES

3 - GOOD

The Area has made significant efforts in reducing ineffective trials in the Crown Court with one of the lowest rates in the country. The Area recognises that improvements need to be made in reducing cracked trials. They are, however, treated as a priority and the Area is working with its criminal justice system (CJS) partners to improve performance. Cracked and ineffective trials are analysed and discussed in various CPS and joint forums. Systems are being introduced to improve the monitoring of case progression. Cases involving Proceeds of Crime Act (POCA) issues are monitored and the Area exceeded its target for confiscation orders.

3A: The Area ensures that cases progress at each court appearance

- The Resident Judge takes a robust approach to case progression. Crown Court cases are routinely reviewed and prepared promptly, with follow up work undertaken where necessary. Caseworkers and administrative staff monitor their caseload closely and cases are generally ready to proceed at each court hearing. A pre-trial check form is used to ensure that all outstanding actions have been done and issues considered before trial.
- Most instructions to counsel include an analysis of the issues. As part of its strategy to reduce cracked trials, the Area is focussing on the need to consider alternative pleas at the earliest opportunity and ensuring that appropriate instructions are given to counsel. Instructions are usually delivered promptly. Timeliness is monitored by the Trials Unit (TU) business manager and under the Casework Quality Assurance scheme although a more positive approach needs to be adopted to the value of the scheme and how it is used generally.
- There is some liaison with criminal justice partners to achieve effective case progression and performance is starting to improve. The Area has recently received funding to appoint a case progression officer to liaise with the court and defence to identify potential cracked and ineffective trials and refer them to the Crown Court where necessary.
- The Area is monitoring POCA cases. Cases are referred to the Area champion who deals with restraint proceedings. There is a joint protocol between the Area and the police and joint training sessions have been held to promote better understanding of POCA issues. There is some uncertainty whether it is capturing them all, but there has been an increase in the number of restraint proceedings and the Area has exceeded its target for confiscation orders.
- Youth cases in the Crown Court are handled efficiently and timeliness is improving.

3B: The Area contributes effectively to reducing cracked and ineffective trials

- The Area has performed well in reducing ineffective trials in the Crown Court. The rate for 2004-05 was 10.4% which is below the national average of 15.8% and well below the Area target of 17%. Crown Court cracked trials stood at 38.4% for the same year against a national average of 39.2%. Of this figure, 17.7% were due to the prosecution. As with magistrates' courts cases, the Area is focussing on this aspect and has introduced systems to reduce the numbers of trials which crack due to the prosecution.
- Cracked and ineffective trials are analysed and the results are discussed within the Area in unit and Area Management Team meetings and with CJS partners. As well as discussion within the Local Criminal Justice Board and in court user meetings, the Chief Crown Prosecutor and the Resident Judge at Gloucester Crown Court discuss the results at monthly meetings.

3C: The Area demonstrates that Compass Case Management System (CMS) contributes to the effective management of cases

- As with magistrates' court cases, national performance data shows a high usage of CMS compared with national usage. All indictments are prepared on CMS. The Area has begun to create its own specific management reports or Area templates and is gradually building upon this as staff are trained and become more experienced.

Aspects for improvement

- The TU uses CMS to manage cases and it is expected to be the primary tool for recording casework information. Unit managers monitor usage but, as with the Criminal Justice Unit, the levels of individual usage vary and not all staff are recording key events in cases. Action being taken to improve usage could be more robust. There is little monitoring of outstanding tasks and chasing up where appropriate.

4. ENSURING SUCCESSFUL OUTCOMES 2 - FAIR

The Area achieved its target in terms of successful outcomes on cases that were charged. The level of Offences Brought to Justice (OBTJ) has fallen well short of the shared target and national performance levels. The monitoring of unsuccessful outcomes is variable but shows some signs of improvement in 2005-06.

4A: The Area is working to increase the number of successful outcomes and reduce the level of attrition after proceedings have commenced

- For the year ending 31 March 2005 results compared with the national averages are as follows:

OUTCOME	AREA FIGURE	NATIONAL AVERAGE
Magistrates' courts		
Discontinuance & bindovers	10.4%	12.5%
No case to answer	0.6%	0.3%
Dismissed after trial	1.1%	1.5%
Discharged committals	0.2%	0.3%
Overall conviction rate	80.2%	80.8%
Crown Court		
Judge ordered acquittals	12.5%	14.2%
Judge directed acquittals	2.3%	2.0%
Acquittals after trial	6.2%	6.3%
Overall conviction rate	77.5%	75.8%

- The Area has met its target in relation to successful outcomes and its performance at 80% is close to the national performance of 80.4%.

- Some unsuccessful cases are monitored and a short note of the findings is included in the Monthly Performance Report (MPR). While some identify the reasons for the outcome, other descriptions are less clear. There is some evidence of action taken, both internally and with the police, but again there is variability. Monitoring of discontinued cases has recently been increased to cover all cases, and identifies those which have been the subject of pre charge advice.
- Results in the unsuccessful outcome case categories are variable in terms of improvement. The discontinuance rate has improved significantly against previous years' results (down from 14.7% to 10.4%), albeit some of this is attributable to overstated historical data. Crown Court unsuccessful outcome rates actually increased slightly against the previous year's performance.
- Work is ongoing in monitoring the timeliness and quality of police files as this is believed to be the primary reason for discontinuance. The Area anticipates that the recently opened Witness Care Unit, will help address the other major contributory factor - that of witness attendance and retraction, particularly in domestic violence cases.

Aspects for improvement

- The target for offences brought to justice (OBTJ) is a shared one set by reference to the criminal justice agencies. The ability of the CPS to influence this particular target is limited because it includes offences dealt with by non-prosecution disposals. The CPS's contribution comes through managing cases to keep discontinuance and unsuccessful outcomes low. The national and Area OBTJ targets have not been met by a distance. More recent figures show some improvement, giving grounds for greater optimism in the current year (2005-06). A reduction in offences taken into consideration and reductions in recorded crime are cited as the primary reasons for the shortfall. Revised targets have been agreed for the future that are lower than the 2001-02 baseline.
- The understanding of data on unsuccessful outcomes can be improved. For example, throughout 2004-05 a number of cases have been incorrectly finalised as NCTA (No Case To Answer). While this was identified by the Area recently, the adverse case monitoring system failed to notice this in a timely fashion.
- While the MPR is available to staff via the public drive, there is limited evidence of effective dissemination of information on unsuccessful outcomes, or of examples of learning lessons that lead to improvement.

5. HANDLING SENSITIVE CASES AND HATE CRIMES
2 - FAIR

The Area has appointed champions in sensitive and hate crime cases but could do more to disseminate information and provide guidance. Sensitive cases are not always flagged as such on Compass case Management System (CMS). Cases in the magistrates' court and Crown Court are generally dealt with by prosecutors with the appropriate experience and expertise. Hate crime cases in which the charge is reduced or the hate element removed are analysed.

5A: The Area identifies and manages sensitive cases effectively

- Proposals to reduce or change the charge in a hate crime cases or agree a basis of plea which reduces or removes the 'hate element' from the offence must be agreed by the relevant unit head. The Area analyses all such cases and there is evidence of action being taken when this is required.
- Sensitive cases are generally handled by prosecutors with appropriate knowledge and experience although specialists do not always manage or handle cases themselves. In some instances, this is deliberate to allow prosecutors to gain experience in aspects of casework, when they would not otherwise have the opportunity. In Crown Court cases, counsel of appropriate experience and specialist expertise are instructed to prosecute in specialist and sensitive cases.

Aspects for improvement

- The Area has appointed champions and specialists for sensitive cases, but there is limited evidence of any resulting dissemination of information on cases and the law and of any training, guidance or mentoring. There is some liaison between specialists and champions and their police counterparts at training conferences but otherwise there is no formal structured system of liaison. Area specialists have some input into police Domestic Violence training.
- The Area is aware of the need to take CPS policies and HMCPsi thematic reviews into account and there is some evidence that policies and recommendations are implemented. However they are not always the driving principles when devising Area practice.
- Although the Area identifies some cases which have not been highlighted by the police as sensitive on submission, sensitive cases are not always flagged up on CMS. There is some evidence of their review and handling being monitored and assessed, but the extent to which this occurs varies according to the type of case and is not always systematic or undertaken formally. The Area has started to monitor unsuccessful outcomes in respect of hate crimes from April 2005.

6. CUSTODY TIME LIMITS

2 - FAIR

The system for managing Custody Time Limits (CTLs) is generally satisfactory and there were no recorded failures in the last financial year. We found some inefficiencies caused by ineffective file management that led to unnecessary work in monitoring CTLs and indicate some risk.

6A: Area custody time limit systems comply with current CPS guidance and case law

- The Area has a written CTL system that complies for the most part with national guidance, and there have been no CTL failures within the last financial year. The documentation would benefit from an update to take account of Best Practice and Essential Actions Guidance.
- The expiry and review dates were calculated correctly and clearly displayed on the file cover in all five cases examined.
- The Crown Court liaise with the CPS over CTL expiry dates.
- Administrative staff in the Criminal Justice Unit are using the Compass Case Management System to monitor CTLs as a support for manual systems.
- Training has been provided to most relevant staff. Refresher training would be of benefit to some.

Aspects for improvement

- There is no formal agreement, and limited evidence, of prosecutors agreeing custody time limits with the magistrates' courts. Even if they have agreed the date, it is not necessarily endorsed on the file and administrative staff calculate the dates.
- Our file examination indicated an inconsistent approach, in that two of the cases examined were being monitored carefully, despite the fact that the defendants had not been in custody for some time. This was attributable to poor endorsements in one case and a failure to update the case following a hearing held six weeks previously in the other. These shortcomings in file management could put CTL compliance at risk in different circumstances. Management checks had failed to identify these issues.
- There is limited evidence of senior management involvement in assuring themselves of the effectiveness of the CTL system.

7. DISCLOSURE
3 - GOOD

Area performance in respect of disclosure of unused material is generally good although there are still concerns over the handling of secondary or continuing disclosure following the receipt of a defence statement. Area training on the new disclosure provisions of the Criminal Justice Act 2003 (CJA) is not fully completed, although arrangements to train the remaining caseworkers are in hand.

7A: The Area takes steps to ensure that there is compliance with the prosecution's duties of disclosure

- The Area performance in providing primary disclosure in both magistrates' court and Crown Court cases is above the national average according to assessments made in the last cycle of inspections. Prosecutors' performance in relation to disclosure is formally assessed under the CPS Casework Quality Assurance Scheme although information gathered in this way should be used more robustly in improving performance in general. In addition, Unit Heads monitor performance informally as they see files when carrying out their routine casework functions. Issues of concern are dealt with on an individual basis with any general lessons being more widely disseminated.
- Area systems ensure that all sensitive material schedules and unused sensitive material are stored securely.
- The Area has appointed a disclosure champion, who undertakes some work in disseminating information to prosecutors and caseworkers, and providing training, guidance and mentoring. The Area champion and police counterpart have regular liaison on disclosure issues although there are no formal meetings. The Area has recently introduced a protocol for dealing with third party material.
- All prosecutors and some caseworkers have received training on the disclosure provisions of the CJA and the CPS/ACPO Disclosure Manual. A programme of training has been agreed for those not yet trained.

Aspects for improvement

- The Area has worked with the police to improve performance, particularly in respect of secondary or continuing disclosure following the receipt of a defence statement. HMCPSI data from its second inspection cycle shows performance in respect of secondary disclosure as well below national performance (50% against 89.4%). There are some recent indications of improved performance but this still remains a matter of concern.
- There has yet been no joint training with the police on the new disclosure procedures. Training is, however, being planned but is likely to be restricted to police disclosure specialists and trainers.

8. THE SERVICE TO VICTIMS AND WITNESSES

3 - GOOD

There are emerging signs that the Area joint witness care unit, established in March 2005, is improving witness care though it is too soon to assess the full impact. The Area has systems to ensure that witness needs are considered at an early stage of proceedings and applications for special measures are made promptly. Problems with witnesses are a significant cause of cracked trials but cases are analysed and efforts are being made to reduce numbers. Witness information is provided to the Witness Service and there is effective liaison with witness support organisations. Prosecutors themselves will engage with witnesses at court.

8A: The needs of victims and witnesses are fully considered and there is timely and appropriate liaison, information and support throughout the prosecution process

- The Area has worked hard to ensure that the needs of victims and witnesses are met. Applications for special measures are generally made at the earliest opportunity and, in Crown Court cases, are served on the defence with the prosecution bundle. Police officers discuss any special needs and requirements with individual witnesses when they make a statement. Duty prosecutors will take these into account as part of the pre-charge decision making process, although this is not always evidenced on MG3s (records of pre-charge decision making).
- Witness warning procedures are generally effective. The Area Trial Management Procedure devolves all trial preparation in the magistrates, courts to a team of trial review lawyers and support officers. Pre-trial checks are carried out and there is an additional check of trial lists three weeks in advance to ensure that all trials are captured within the system. There is timely supply of witness details to the Witness Service.
- Liaison with the Witness Service and Victim Support occurs on a regular basis in a number of forums. The Area is now focussing on attempts to reduce the period between charge and trial in domestic violence cases to reduce the incidence of attrition. The witness support agencies will provide practical care and individual support for witnesses to encourage victims. Waiting times for witnesses at court have reduced in recent months and are below the national average.
- The Area's joint Witness Care Unit was established, on target, in March 2005. The unit deals with all aspects of witness care including the provision of case information and is also assisted by the Witness Service. It is too soon to assess the full impact of the unit but initial signs are encouraging.

- Cracked and ineffective trial data is analysed on an Area and Local Criminal Justice Board basis. In addition, the Chief Crown Prosecutor and Resident Judge discuss the reasons for cracked trials in dedicated monthly meetings. Efforts are being made to secure a reduction in the number of cases where this occurs as a result of witness issues, although problems with witnesses remain a significant cause of cracked trials.
- Prosecution advocates and staff make every effort to introduce themselves and provide information to witnesses at court. If court business permits prosecutors will speak to victims and witnesses following an acquittal and explain issues and events as appropriate.

Aspects for improvement

- Compliance with the Direct Communication with Victims scheme is not consistent throughout the Area. The quality of letters to victims explaining reasons when a charge is reduced or dropped is good but, although the Area has introduced systems to reduce the number of appropriate cases which are not identified, there are still instances where letters are not sent in appropriate cases. Those cases which are identified are tracked by administrative staff to ensure that letters are despatched within 5 days.

9. PRESENTING AND PROGRESSING CASES AT COURT 3 - GOOD

The Area is working with other agencies in a number of ways to ensure that court time is used productively. Systems are in place to ensure that provision of court papers to all advocates is timely and that advocates are suitably experienced. The performance of prosecutors in the magistrates' court and in the Crown Court is monitored and any issues about performance are dealt with. Agents are provided with an instruction pack which is revised to reflect policy changes and initiatives.

9A: The Area ensures that prosecution advocates and staff attend court promptly, are professional, well prepared and contribute to effective case progression

- The Area is among those agencies leading the initiative to improve case progression in court. Co-operation with the Courts Service has led to more accurate advance listing in the magistrates' court. The Area Trial management programme has led to some improvement in effectiveness of pre-trial reviews.
- The Area has introduced systems to ensure that papers are provided to agents, counsel and in-house prosecutors in sufficient time to enable them to prepare thoroughly for court.
- Selection of prosecution advocates for all courts is undertaken with full consideration of their experience, expertise and qualifications. Experienced and senior counsel prosecute in rape and child abuse cases and counsel with appropriate specialist expertise deal with other specialist cases. Suitably trained prosecutors cover most specialist courts.
- Complaints about prosecutors from other agencies are rare but are investigated and action is taken if appropriate.
- In-house prosecutors are monitored at least once a year as a matter of routine and also if managers are aware of a specific problem. Feedback is given at the time which leads to improvement in performance and staff development. Timely attendance at magistrates' court by prosecutors is monitored by the head of the Criminal Justice Unit. Caseworkers are expected to be in the Crown Court in sufficient time to liaise with counsel and other agencies. Their timely attendance is monitored by the Trials Unit head and Business Manager.
- The Area has an Agents instruction pack which is issued to all agents and counsel. The pack has recently been revised to reflect new initiatives and policy directives and is kept under review.

Aspects for improvement

- There is some monitoring of counsel and agents. Monitoring of counsel tends to be by exception if there is an issue of concern. Monitoring forms are completed and problems raised with chambers. Counsel's performance is regularly discussed among CPS lawyers and caseworkers. Agents are monitored following their initial appointment and also if a specific problem arises.
- Some court endorsements are difficult to read and interpret.

10. DELIVERING CHANGE

2 - FAIR

The Area has adopted a more positive approach to change and a number of new initiatives have been embraced and implemented. However, while progress is being made, the Area has not as yet achieved the anticipated levels of performance improvements as a result of implementing some of these initiatives. There has been significant effort to work with criminal justice system partners on co-location, witness care and pre-charge decision making. There is scope to improve planning documents. The management of training can be improved and a recent meeting has led to the committee recognising this.

10A: The Area has a clear sense of purpose supported by relevant plans

- The Area has a clear sense of what it wants to achieve, and for the most part there is an understanding of how they might achieve their aims.
- The Area Business Plan has been adapted to take account of the 15 national CPS priorities.
- A Strategy and Planning day was held in February which enabled staff to have an input and insight as to the future direction of the Area.
- There has been some success in planning with partners. The Area is mainly pro-active in its approach. The Witness Care Unit is an example of successful joint planning.

Aspects for improvement

- Although in place, plans have some elements missing, and there is scope for better alignment between various documents. Better prioritisation or timetabling of activity is desirable. We understand that updates or reviews to current plans are scheduled for the next quarter. The imminent finalisation of the Local Criminal Justice Board strategic plan should help.

10B: A coherent and co-ordinated change management strategy exists

- Arrangements for managing change have been put in place in the past year and managed change is beginning for planned initiatives. The Area Management Team acts as the change management board, and whilst less structured than ideal, the system enables them to keep abreast of progress at a high level. Better linkages could have been established between some initiatives.

- Reviews have been conducted in respect of co-location, pre-charge decision making and the Area's Trial Management Programme (TMP).

Aspects for improvement

- Success criteria for some initiatives/objectives should be better defined. Words such as 'better', 'lower', 'more' etc. do not assist in evaluating progress, although we accept that in some cases achieving the Area/national target is the ultimate measure. The evaluation of TMP was too narrow and should have considered issues other than the high level ineffective trial rate.
- The risk management process needs strengthening to take more account of the likelihood and impact of identified risks. While some of the risks and counter measures identified as an integral part of the Business Plan are fine, others need to be more specific and focused. Some risks do not seem to be relevant to the objective; for example a reduction in offences taken into consideration is listed as a risk against achieving charging benefits realisation targets and yet does not appear in the sections on Offenders Brought to Justice or sanction detections. The risk to the budget needs better articulation and response.

10C: The Area ensures staff have the skills, knowledge and competences to meet the business need

- The Area has reinvigorated its Training Committee and they have developed a plan for the current year. Plans include training and development for all grades of staff.
- The Area recognises the importance of development in its wider sense, and uses coaching, mentoring, job shadowing and 'acting-up' as ways of developing staff.
- Most staff have received the appropriate mandatory training.

Aspects for improvement

- There is scope to improve the evaluation of training to understand if training has been effective. The records of training undertaken were incomplete. The training plan is in need of update to reflect individuals' needs as identified by Forward Job Plans and Personal Development Plans.

11. MANAGING RESOURCES

1 - POOR

Financial controls are basic in Gloucestershire and can be improved. The last two years have seen an overspend in the annual budget. While the Area has suffered to some degree from sickness and limited availability of Designated Caseworkers (DCWs) and Higher Court Advocates (HCAs), deployment of such resources falls well short of national levels.

11A: The Area seeks to achieve value for money, and operates within budget

- The Area is in the early stages of developing value for money policies, but some clear indications of value for money activity are evidenced. The negotiation of the use of court couriers brought about a substantial saving to the Area.
- The Area has exceeded its targets in terms of asset recovery under the Proceeds of Crime. This has increased the amount recovered from this activity and has the potential to help the Area budget if the limits on incentivisation money are changed.
- Area managers recognise the need to improve the financial outturn and budget is a standing item in both Area Management team meetings and in the Monthly Performance Report. Presentation of financial data can be improved.
- The control of prosecution costs has improved although further work is still required.

Aspects for improvement

- The Area has overspent its budget in each of the last two years. The 3.9% excess in 2004-05 was higher than the Area had anticipated.
- Resource planning could be more systematic, but there is evidence that some work is being undertaken. Accurate and up-to-date financial information was not available to senior management at the time of our visit. An estimated overspend of £150,000 was projected at the beginning of the current year but had not been updated to take account of changes to circumstances.
- On the range of data and information provided we could not be confident that the budget position will be turned around.

11B: The Area has ensured that all staff are deployed efficiently

- The Area has set more stretching targets for court sessions per lawyer and has plans to significantly reduce agent spend. Managers are more robust in their deployment plans and have gathered data on the amount of time spent in court by all prosecutors.
- Two more staff are currently undertaking HCA training and DCW recruitment is underway. If successful these should enable much higher levels of deployment, although it is recognised that the benefits will be spread throughout the year.
- The Area is undertaking a review of its structures and working practices. Work has been completed in the secretariat with the result that a member of staff was made available to operational support within one of the units. Further work on the Criminal Justice Unit and Trials Unit is planned in conjunction with HQ Business Information Directorate (BID).

Aspects for improvement

- Area use of agents was high in 2004-05 at 29.2% representing 735 of the total magistrates' court sessions. A target of just over 300 sessions for 2005-06 has been set with a corresponding reduction in budget.
- HCA deployment has been historically low and the Area has not found it easy to increase the number of qualified staff. A target of 108 HCA sessions has been set for the current year against an outturn of only 48 sessions in 2004-05. The expected savings to be accrued are comparatively modest in terms of saving per session. This could be increased by careful targeting of the type of work to be covered by HCAs.
- Performance against targets for DCW deployment is well below the national level, although it is recognised that absence has been a contributory factor. Having worked hard to negotiate better court listing practices, the Area has not been able to deploy DCWs to the desired level. Only 126 half day sessions were achieved in 2004-05, representing 5% of the total number of courts. The Area needs to complete the recruitment and replacement and additional staff if they are to gain the benefits of the revised court listing. The target for 2005-06 of 4% is un-ambitious and inconsistent with the level of commitment shown in plans and during discussions.
- Average sick absence is slightly above the national average at 9.3 days per member of staff over the year 2004.

12. MANAGING PERFORMANCE TO IMPROVE

2 - FAIR

The Area has access to a wider range of performance data than was previously the case, and performance management has a higher profile. There has been some positive work with other agencies on joint performance issues. There is scope to improve the accuracy of performance indicators and the level of analysis of data. The recent decision to appoint a Performance Manager should help in this respect.

12A: Managers are held accountable for performance

- Performance information is considered at Area Management Team meetings having first been discussed between the Chief Crown Prosecutor (CCP) and unit heads on a more detailed basis.
- The Area has worked hard to develop a comprehensive Monthly Performance Report (MPR) and there is a specification for its completion. All the senior managers have an objective to comply with the guidance in completing their part of the report.
- The MPR has been aligned to include the 15 key priorities as identified by the CPS nationally. It also includes other non casework related issues such as morale.
- Improvements have been made in some aspects where performance was not good. While further work is still required, compliance with Direct Communication with Victims guidance and the management of prosecution costs have improved.
- Staff have had limited involvement in improvement activity in the past. The Area is creating the opportunity for more widespread input through the formation of a CCP Forum, in which identifying improvements is a key aim.

Aspects for improvement

- The level of analysis has been variable in the past and whilst improving still needs more attention. There is a marked difference in the levels of analysis between internal and multi agency performance. For cracked and ineffective trials and police file quality there is good detailed analysis at a transaction basis; for some internal measures the level of detail is unlikely to assist in identifying any learning points.

- When learning points have been identified they have not always translated into improvements - for example wrong coding of adverse cases by both units.
- The Area should focus more on trends and sustained performance levels; care needs to be taken not to judge performance improvements based on using extremes or one-off short term measures.

12B: The Area is committed to managing performance jointly with Criminal Justice Systems partners

- There is demonstrable evidence of joint performance management with CJS partners. This has resulted in performance being driven up in specific fields of work, including cracked and ineffective trials and police file quality and timeliness.
- A senior police officer attended the last all staff meeting to discuss file quality issues.
- The CPS has representatives on all the key Local Criminal Justice Board sub groups, part of whose role is to improve performance.

Aspects for improvement

- There is scope to improve the sharing of CPS data (that does not form part of LCJB reports) with other agencies.

12C: Performance information is accurate, timely, concise and user-friendly

- Past inaccuracies in data have gone undetected. There have, however, been improvements in the quantity and quality of Area performance information. The appointment of a dedicated Performance Officer will improve this aspect further.
- Two of the Area's Management Information System licence holders have received additional training and are now more confident in using the system to extract performance data. This should assist in making management of performance information easier and more effective than it has been in the past.

Aspects for improvement

- The format and completion of the MPR can be improved to make it more effective, particularly if it is hoped to engage and motivate staff in performance management.

12D: Internal systems for ensuring the quality of casework are robust and founded on reliable and accurate analysis

Aspects for improvement

- The Casework Quality assurance Scheme, although carried out continuously, is not sufficiently robust. The forms seen give little indication of any effective evaluation of casework. Managers are not convinced of the value of the system.

13. LEADERSHIP
2 - FAIR

Leadership within the Area has strengthened with the arrival of a new Chief Crown Prosecutor (CCP) being a major catalyst. Work continues on changing and embedding the culture in Gloucestershire but this does not happen overnight. Managers need to sustain and build upon the progress made so far.

13A: The management team communicates the vision, values and direction of the Area well

- Vision and values are clear, focused and stated and have been re-emphasised in recent Area management team (AMT) and all staff meetings.
- The Area has reasonable arrangements in place for management, and corporacy is improving (from a low base).
- The CPS has some responsibility in leading criminal justice system (CJS) initiatives. They have the lead on the Victims and Witness sub group of the Local Criminal Justice Board and are represented on all others. They are improving their reputation and influence with CJS partners.
- The level of communication with staff is improving. Wider membership of AMT, more frequent team meetings, all staff meetings, 1 to 1 discussions with the CCP are examples of progress made. A new CCP forum is to be introduced in the near future.
- The Area conducted a 360 degree feedback programme to enable staff to inform managers as to their views of the management and leadership in Gloucestershire. Results were generally positive, but there are some perceptions that need to be addressed.

Aspects for improvement

- The Area needs to formulate further actions to respond to the recent 360 degree feedback exercise that raised a few concerns relating to leadership. It is recognised that preparation for the OPA inspection may have delayed the process.
- Outputs from team meetings can be improved. The records provided indicate that not all meetings comply with the definitions of 'effective meetings' as described in the Area Communications Strategy.
- Further work is required in developing a more positive, effective and dynamic communication style.

13B: Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies

- Staff reflect the population served by the Area in terms of gender and ethnicity. The Area is seeking to improve its position with regard to employment opportunities for people with disabilities.
- There is solid commitment to equality and diversity in Gloucestershire, although this is not always clearly reflected in the Area's plans. Area staff represent the CPS Areas in national forums on equality and diversity related issues.
- All senior managers have formal objectives relating to culture and behaviour.

14. SECURING COMMUNITY CONFIDENCE
3 - GOOD

Area staff are involved in a diverse range of activities designed to improve community confidence in both the CPS and criminal justice system agencies as a whole. A more positive and pro-active relationship with the local media has been achieved. As yet the activities have not had the desired impact on outcomes and the level of public confidence has fallen by 1% in the past year.

14A: The Area is working pro-actively to secure the confidence of the community

- The commitment of managers is clear and evidence exists of wider engagement activity with the community. For example, Area managers are actively involved with Hate Crime groups and there is regular liaison with Crime and Disorder Resource Partnerships, and staff are involved with a number of educational establishments and other local associations.
- An event is planned in the near future in Gloucester which it is hoped will help the Area develop relationships with groups the have traditionally been 'hard to reach'.
- There is evidence that some changes have been brought about through engagement activity. Involvement in a single Linking Communities Committee has led to a permanent place on the committee.
- Through the Local Criminal Justice Board, the Area has formed an Independent Advisory Group which is consulted on some policy issues. They have recently been invited to comment on the strategic plan for Gloucestershire.
- Improvements have been made in relationships with the media.

Aspects for improvement

- Plans and objectives could be improved to reflect the commitment better
- The official data as recorded by the British Crime Survey indicates that the level of public confidence in the county is at 41%. This is 1% lower than the baseline figure of 2002 and slightly below the national average. As yet there is little by way of additional effective measures of community confidence. The Area is looking to get additional data from Victim Support and Witness surveys in the future.

ANNEX A

PERFORMANCE DATA

ASPECT 1: PRE-CHARGE DECISION-MAKING

MAGISTRATES' COURTS CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	16.3%	14%	52%	68.8%	69.8%	31%	22.7%	21.2%
CROWN COURT CASES								
Discontinuance rate			Guilty plea rate			Attrition rate		
National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target March 2007	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05
11%	14.6%	13.5%	68%	66%	59.5%	59.5%	23.8%	40.5%

ASPECT 2: MANAGING MAGISTRATES' COURTS CASES

INEFFECTIVE TRIAL RATE			OVERALL PERSISTENT YOUNG OFFENDERS PERFORMANCE (ARREST TO SENTENCE)		
National Target	National Performance 2004-05	Area Performance 2004-05	National Target	National Performance (3-month rolling average Feb 05)	Area Performance (3-month rolling average Feb 05)
24.5%	24.8%	23.6%	71 days	67 days	54 days

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN MAGISTRATES' COURTS CHARGED CASES ONLY (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 143 days		Committals Target 176 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	83%	6,152	66%	2,698	89%	992
Area	79%	61	79%	14	100%	5

TIME INTERVALS/TARGETS FOR CRIMINAL PROCEEDINGS IN YOUTH COURTS CHARGED AND SUMMONSED CASES (MARCH 2005)						
	Initial Guilty Plea Target 59 days		Trials Target 176 days		Committals Target 101 days	
	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)	Cases within target (%)	Sample size (no of defendants)
National	87%	5,185	87%	3,309	91%	190
Area	90%	41	100%	20	100%	2

ASPECT 3: MANAGING CROWN COURT CASES

INEFFECTIVE TRIAL RATE		
National Target	National Performance 2004-05	Area Performance 2004-05
18.5%	15.8%	10.4%

ASPECT 4: ENSURING SUCCESSFUL OUTCOMES

UNSUCCESSFUL OUTCOMES (AS A PERCENTAGE OF COMPLETED MAGISTRATES' COURTS AND CROWN COURT CASES)		
National Target	National Performance 2004-05	Area Performance 2004-05
21%	19.6%	20%

OFFENCES BROUGHT TO JUSTICE		
	CJS Area Target 2004-05	CJS Area Performance 2004-05
Against 2001-02 baseline	+9.2%	-6.6%
Number	14,230	12,062

ASPECT 7: DISCLOSURE

DISCLOSURE HANDLED PROPERLY IN MAGISTRATES' COURTS AND CROWN COURT CASES PERFORMANCE IN THE LAST INSPECTION CYCLE		
	National Performance	Area Performance
Primary test in magistrates' courts	71.6%	73.3%
Primary test in Crown Court	79.9%	94.7%
Secondary test in Crown Court	59.4%	50.0%
Overall average	70.3%	72.7%

ASPECT 11: MANAGING RESOURCES

NON RING-FENCED ADMINISTRATION COSTS BUDGET OUTTURN PERFORMANCE (END OF YEAR RANGES)	
2003-04	2004-05
0.6% overspend	3.9% overspend

DCW DEPLOYMENT (AS % OF MAGISTRATES' COURTS SESSIONS)			HCA SAVINGS (PER SESSION)		SICKNESS ABSENCE (PER EMPLOYEE PER YEAR)		
National Target 2005-06	National Performance 2004-05	Area Performance	National Performance Quarter 4 2004-05	Area Performance Quarter 4 2004-05	National Target	National Performance 2004	Area Performance 2004
11.6%	8.3%	5%	£224	£166	8 days	8.7 days	9.3 days

ASPECT 14: SECURING COMMUNITY CONFIDENCE

PUBLIC CONFIDENCE IN EFFECTIVENESS OF CRIMINAL JUSTICE AGENCIES IN BRINGING OFFENDERS TO JUSTICE (BRITISH CRIME SURVEY)	
CJS Area Baseline 2002-03	Most Recent CJS Area Figures In 2004-05
42%	41%

NOTES



LONDON OFFICE

26/28 Old Queen Street, London, SW1P 9HP

Tel: (020) 7210 1197, Fax: (020) 7210 1195

YORK OFFICE

United House, Piccadilly, York, North Yorkshire, YO1 9PQ

Tel: 01904 54 5490, Fax: 01904 54 5492

www.hmcpso.gov.uk

If you would like a copy of this report in large type, braille, or in another language, please contact us at:

Email: Office@hmcpso.gov.uk